



## CONCEPT PLAN REVIEW PUBLIC HEARING

**BY:** AW Engineering  
**FOR:** Clearwater Reserve Subdivision  
**WHERE:** 6705 N 1000 E (Near Tetonia)  
**PLANNING AND ZONING COMMISSION**  
**PREPARED FOR:** Public Hearing—October 10, 2023

**APPLICANT AND LANDOWNER:** Kipp and Terri Hill  
**ENGINEER:** AW

**REQUEST:** The Hills have submitted an application for a 2-lot subdivision on 80 acres located at 6705 N 1000 E near Tetonia across from Dry Ridge Ranch, just east of the City of Tetonia. The area is zoned ARR-2.5, and the proposed lot sizes are 25 and 54 acres. North Leigh Creek runs through the southern portion of the property, and subsequently the property is within the 100-year Floodplain and the Wetlands and Waterways Overlay.

**APPLICABLE COUNTY CODE:** Subdivision Concept Plan Review pursuant to Title 9, Chapter 3 Teton County Subdivision Ordinance, (revised 5/16/2013) including 9-3-C-2-B for concept review, Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

**LEGAL DESCRIPTION:** TAX #6903 SEC 30 T6N R46E; RP06N46E303750

**LOCATION:** 6705 N 1000 E

**ZONING DISTRICT** ARR – 2.5 Acre Min. Lot Size

**PROPERTY SIZE:** 79 acres

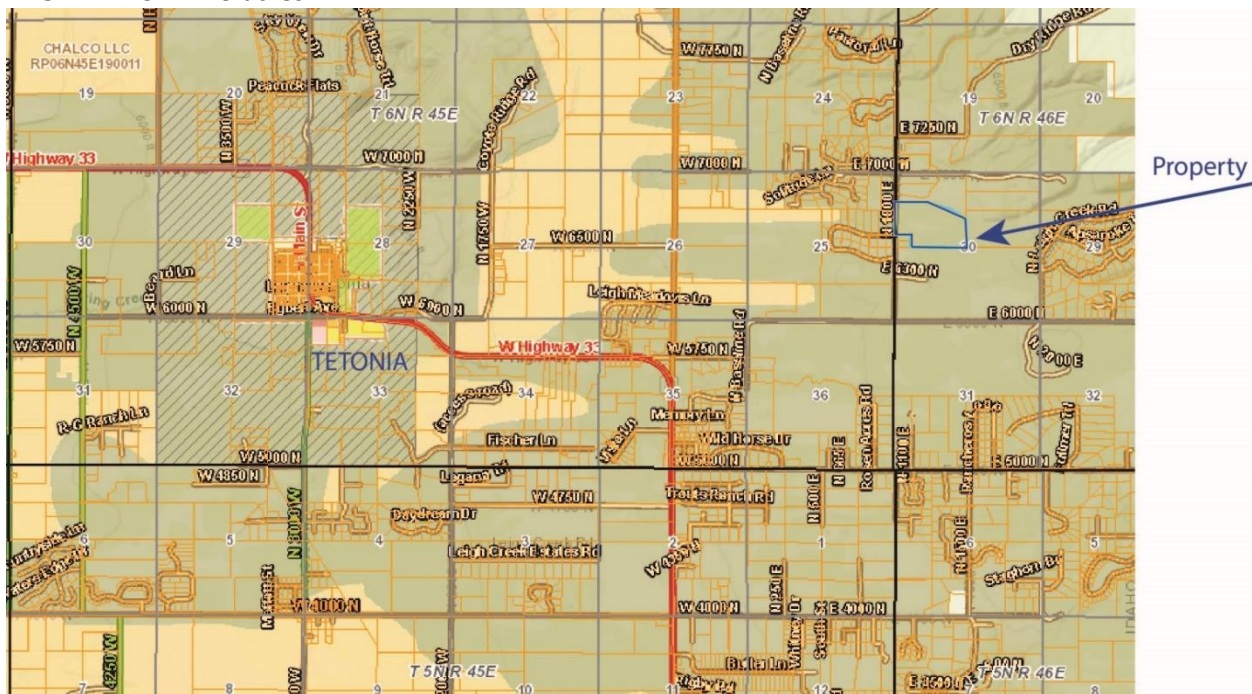


Figure 1. Vicinity Map

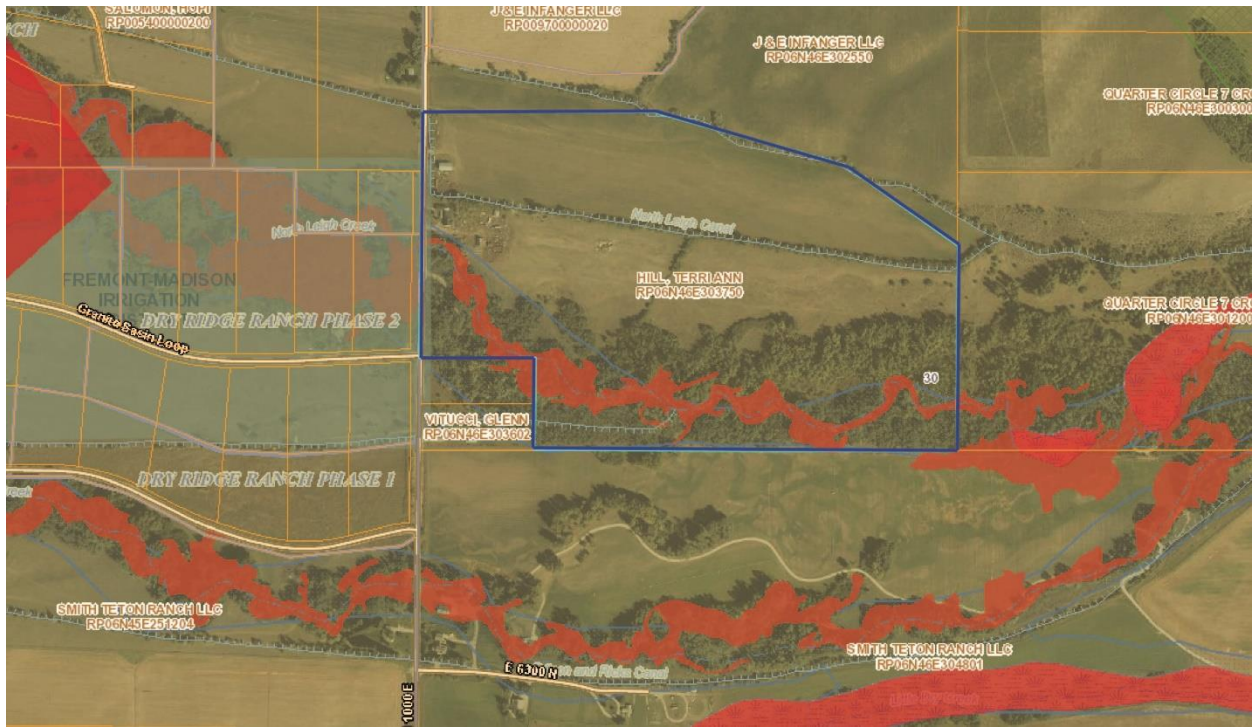


Figure 2. Aerial Image

The aerial image above indicates the location of the existing 100-year Floodplain on the southern portion of the property.

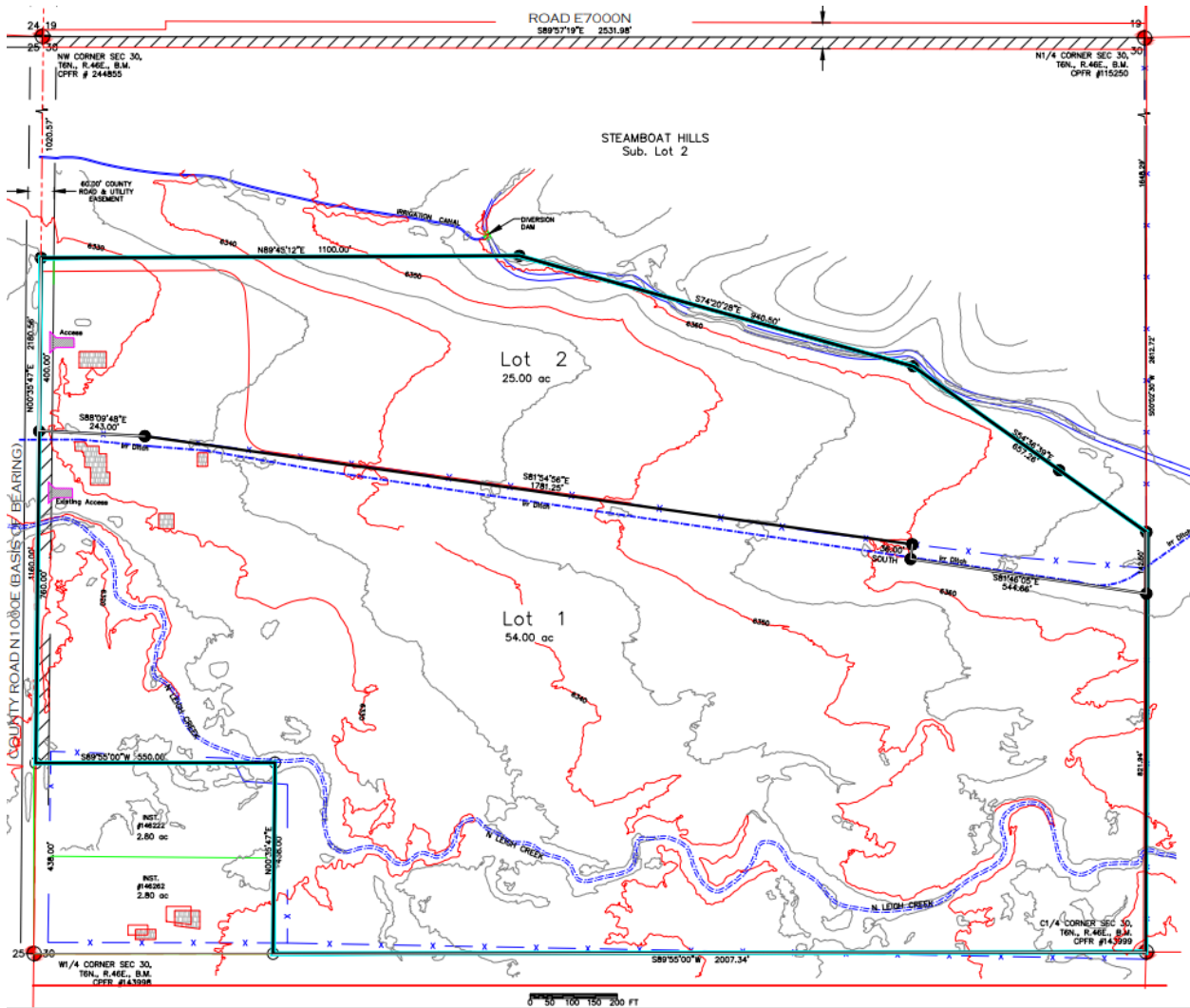


Figure 3. Concept Plat – indicates the existing development and driveway

### **PROJECT BACKGROUND**

A Pre-application conference was held with the applicant and Planning staff on January 5, 2022. An application for Concept review was received on January 5, 2022.

The first step in the subdivision process is a Concept Plan Review. A public hearing before the Teton County Planning and Zoning Commission is required for this proposal because of the overlays present.

The concept application was originally submitted in January of 2022 and a hearing was scheduled for January 11, 2022; however, it was postponed due to change in family ownership. The proposal changed from a 10 lot subdivision to 2 lots. The applicants have prepared all materials and studies for preliminary plat if approved. The legal notice for this application noticed it as Preliminary Plat because it was believed Concept Review had been completed in January of 2022.

### **OVERVIEW OF CONCEPT APPROVAL**

A Concept review with the Planning Administrator or Planning and Zoning Commission is the required first step in the development process. The purpose of this review is to:

1. Acquaint the applicant with the procedural requirements of the TCC
2. Provide for an exchange of information regarding applicant's proposed development ideas and the regulations and requirements of the TCC, the Master Plan, and other subdivision requirements
3. Advise the applicant of any public sources of information that may aid the applicant or the application, and identify policies and regulations that create opportunities or pose significant restraints for the proposed development

4. Review the sketch plans, if any, and provide the applicant with opportunities to improve the proposed plan in order to mitigate any undesirable project consequences
5. Review the compatibility with nearby land uses, either proposed or existing
6. Provide general assistance by County staff on the overall design of the proposed development

It is not to determine the exactness of each item required in the checklists of the Preliminary and Final Plat processes.

**KEY ISSUES**

The County has solicited comment from other agencies and entities.

- **ROADS & UTILITIES: TETON COUNTY PUBLIC WORKS**
  - Driveway for Lot 1 is existing. Driveway location for Lot 2 was approved. No additional access permits will be approved for this subdivision.
  
- **TETON COUNTY FIRE MARSHAL:**
  - A two lot subdivision does not trigger the need for fire suppression.
  
- **WASTEWATER TREATMENT: EIPH**
  - EIPH gave preliminary approval October 25, 2022.

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE**

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Code. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News on September 20, 2023 and September 27, 2023. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on September 6, 2023. A notice was also posted on the property providing information about the public hearing on September 25, 2023.

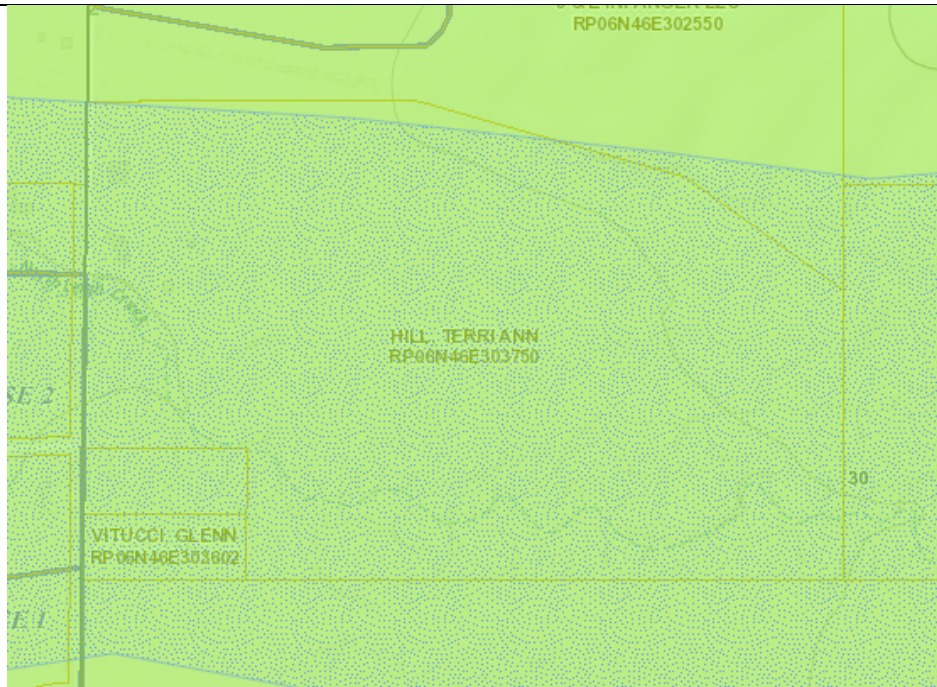
**COMMENTS FROM NOTIFIED PROPERTY OWNERS AND PUBLIC AT LARGE**

No public comment received as of 10/3/23.

**CRITERIA FOR APPROVAL**

For approval of Concept Review of a proposed subdivision (9-3-2(B-4)), the County shall consider the objectives of Teton County Title 9, application materials, and in a general way, at least the following:

<b>Objective:</b> 1. The conformance of the subdivision with the Comprehensive Plan
<p><b>Applicant Comments:</b></p> <p>The framework map of the Comprehensive Plan designates this property as mixed ag/wetland because of the classified flood plain. A flood plain analysis has been completed.</p> <p>With the underlying ARR-2.5 zone, the allowable number of lots would be 32. Only 2 residential lots are being proposed.</p>
<p><b>Staff Comments:</b> This application meets the requirements of the current A/RR 2.5 zoning district. The development would be in compliance with the current building codes, meet the required density, fit in with the rural community character, all height, scale and other applicable standards will be met.</p> <p>The 2012-2030 Comprehensive Plan places this in the Wetland &amp; Waterways Corridor and Foothills. A two lot proposal can meet these future land use characteristics.</p>



**Foothills:** The Foothills are located on the eastern and northern slopes of the Big Hole Mountains, the western slope of the Teton Range and the northern slope of the Snake River Range. These areas have rolling or steep topography and harsh wind and weather or are in the wildland/urban interface area. The boundaries of the Foothills areas were generally defined by the toe of the mountain slopes and the edge of heavy forest or vegetation. Due to their proximity to the forested public lands, these areas have high wildfire hazard and wildlife value. Some access to adjacent public land exists and the area is highly visible from the valley floor. Due to their remote location, public water and sewer service is not available in the Foothills. Desired future character and land uses include:

- Low residential densities with provision for clustering/conservation development
- Residential development clustered to respect topography
- Access points to public lands
- Conservation and wildlife habitat enhancement
- Wildland-Urban interface
- Development regulated by overlays and development guidelines to protect natural resources and improve public safety

Chapter 5. The Framework Plan 5-5

**Waterway Corridors:** Waterway Corridors include the land adjacent to the Teton River and its major tributaries. These areas include the riparian areas, wildlife habitat, wetlands and floodplains associated with the streams and are important fish and wildlife habitats. Public access to the Teton River is currently available in limited locations. The majority of the existing parcels in this area are large, although there are a few older, developed subdivisions along the Teton River. Public water and sewer service is not available. Desired future character and land uses include:

- Agriculture
- Low to lowest residential density in the County
- Conservation and wildlife habitat enhancement
- Development subject to all applicable County, State and Federal regulations including USACE wetland regulations and County floodplain development regulations
- Scenic quality preservation
- Public access points for river recreation
- Overlays and development guidelines to protect natural resources
- Little to no (or very limited) commercial activity

**Objective: 2.** The availability of public services to accommodate the proposed development.

**Applicant Comment:**

Solid waste collection services are an option through the Teton County hired solid waste collection service, who at the time of this application, is RAD. Owners also have the option of taking their sold waste to the Teton County Landfill themselves.

The Valley of the Tetons Library benefits from increased property taxes through the increased taxes of the subdivision tax bracket as well as the building of residents.

Two lots will have a negligible amount of impact on the hospital, although any impact is a positive to sustain the viability of having hospital services in our community. Part of the sustaining of the hospital is the number of beds they are able to keep filled.

Land Use Assumptions & Demographics No non-residential development is being proposed. Public services for these 2 residential lots will receive additional tax support at the time when a permanent residence is constructed on Lot 2. Required studies have been noted at the beginning of this narrative.

Fire Protection is not required for a 2 lot subdivision.

Water Issues: Culinary water will be supplied by individual wells on each lot and the waste system will be individual septic systems permitted through Eastern Idaho Public Health.

Fire protection is not required.

Police protection is provided by the Teton County Sheriff's office, which is responsible for law enforcement within Teton County, is easily accessed via NI000E, which CLEARWATER RESERVE Subdivision fronts. Any demand will likely be emergency services.

Schools are always impacted by families who choose to have their students attend Teton School District # 401. Property taxes increase when this property is changed to the subdivision tax bracket; further increases occur with the building of residences.

**Staff Comment:**

Applicant states that there will be a limitation of public services. Due to the scale of the subdivision, no public services will be required at the time. No fire suppression for this development is required because it is for fewer than 3 lots.

**Objective:** 3. The conformity of the proposed development with the Capital Improvements Plan (CIP).

**Applicant**

**Comment:**

Capital Improvements Plan No future public facilities will need to be constructed to serve this development. Impact fees will be taken under consideration at the time that building permits are issued for any potential new residences. Due to its rural location, The CLEARWATER RESERVE's owner understands the limitation of public services. Residents within the CLEARWATER RESERVE understand that by choosing to live in the rural part of Teton County, they will have to assume the responsibility of driving to the county library, city parks and bike and walking paths. There are no public services that will need to be either increased or extended to this development.

*Conformity with the Teton County Capital Improvements Plan*

The collection of the impact fee should occur at the time of building permit issuance. There are several reasons for collecting the impact fees at building permit issuance rather than at an earlier development stage. The collection of the fee at building permit issuance is timed more closely to when the actual impacts of the development to public facilities will occur. In most instances, when a building permit is acquired, construction usually occurs in a relatively short period of time. Collecting a fee earlier in the process (e.g. at the development approval stage) contains a greater risk that the development will not actually be constructed. In that event, the County is obligated to refund any fees collected after a certain period of time. This can create both financial and administrative problems for the County, especially if the money has already been spent on a new facility. Also, collection of the fee at building permit issuance will be administratively easier since most other fees are collected at this time. All applicable impact fees based on the Impact Fee Program/CIP 2008 are to be assessed at the time of building.

**Staff Comment:**

All applicable fees based on the Impact Fee Program (2008 CIP) will be assessed at the time of building. The 2008 adopted CIP indicated this area was suitable for 300 units per 100 acres or .3 du/ acre. 2 lots per 80 acres could meet this density ratio. ADUs will not affect the ratio beyond what was considered.

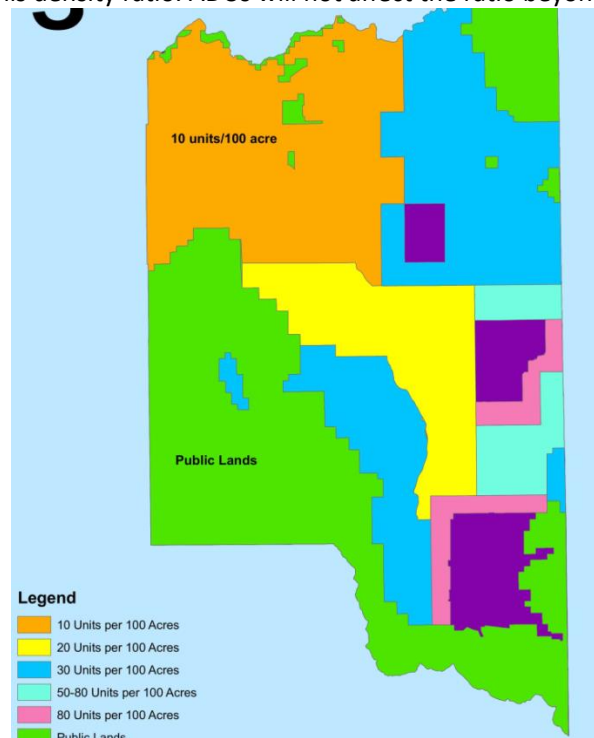


Figure 6. 2008 CIP Densities

**Objective:** 4. The public financial capability of supporting services for the proposed development.

**Applicant Comment:**

*Estimate of Tax Revenue*

The extreme rise in real estate values in Teton Valley in only the span of a year since 2020 makes an accurate estimate of tax revenue nearly impossible. Future structures will add additional tax revenue for Teton County.

**Staff Comment:**

A fiscal impact study is not required for subdivisions less than 20 lots. It appears this proposal is supportable.

**Objective:** 5. Other health, safety, or general welfare concerns that may be brought to the County's attention.

**Applicant Comment:**

N/A

**Staff Comment:**

There is floodplain present on the property. Building envelopes at Preliminary Plat will keep development outside of the floodplain if possible.

**CONSIDERATIONS:**

**CONDITIONS OF APPROVAL:**

**PLANNING & ZONING COMMISSION ACTION:**

- A. Approval of the Concept Plan, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approval of the Concept Plan, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Denial of the Concept Plan application and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

**MOTIONS**

The following motions could provide a reasoned statement if a Commissioner wanted to approve or deny the application:

**APPROVAL**

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied (with the inclusion of the following conditions of approval: ...)

- I move to APPROVE the Concept Plan for Clearwater Reserve Subdivision Concept Plan as described in the application materials submitted January 5, 2022 and as updated with additional applicant information attached to this staff report.

**DENIAL**

Having concluded that the Criteria for Approval for Clearwater Reserve Subdivision Concept Plan found in Title 9-3-2(B-4) have not been satisfied, I move to DENY the for Clearwater Reserve Subdivision Concept Plan as described in the application materials submitted January 5, 2022, and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:

- 1. ...

**CONTINUATION**

I move to continue the public hearing for Clearwater Reserve Subdivision Concept Plan in order to obtain additional information from the applicant or other agencies *to the following hearing date and time...*

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**ATTACHMENTS:**

- |  |                                     |
|--|-------------------------------------|
| A) Application (6 pages)                 | G) NRA (21 pages)                   |
| B) Narrative (4 pages)                   | H) Concept Plan (1 page)            |
| C) CCRs (3 pages)                        | I) Development Agreement (15 pages) |
| D) Aquatic Resource Inventory (35 pages) | J) Public Works Comments (1 page)   |
| E) Floodplain Report (28 pages)          | K) Driveway Plans (1 page)          |
| F) EIPH Letter (6 pages)                 |                                     |

**End of Staff Report**